

Senate Bill 561

By: Senators Harp of the 29th, Staton of the 18th, Adelman of the 42nd, Henson of the 41st and Wiles of the 37th

AS PASSED

AN ACT

To amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for certain definitions; to correct a scrivener's error; to provide for students in professional level programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, is amended by striking paragraphs (7) and (8) of Code Section 20-3-519, relating to definitions relating to HOPE scholarships and grants, and inserting in lieu thereof new paragraphs (7) and (8) and adding a new paragraph (9.1) to read as follows:

"(7) 'Eligible postsecondary institution' means a school which is:

- (A) A unit of the University System of Georgia;
- (B) A branch of the Georgia Department of Technical and Adult Education or an affiliated institution which is controlled by a local board of education;
- (C) A private independent nonprofit postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (A) of paragraph (2) of Code Section 20-3-411; or
- (D) A private proprietary postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (C) of paragraph (2) of Code Section 20-3-411.

(8) 'Eligible private postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (C) or (D) of paragraph (7) of this Code section."

"(9.1) 'First professional degree program' means a nonundergraduate degree program that meets the requirements established by the program regulations promulgated by the

Georgia Student Finance Commission which, at a minimum, shall include, but not be limited to, the following:

- (A) Accepts students after the completion of the sophomore or junior year; and
- (B) Results in the award of a nonundergraduate degree."

SECTION 2.

Said part is further amended by striking Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship at a public postsecondary institution, and inserting in lieu thereof a new Code Section 20-3-519.2 to read as follows:

"20-3-519.2.

(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Department of Technical and Adult Education;

(2) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the requirements set out in the applicable subsection and paragraph of Code Section 20-2-157; or

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Georgia Department of Technical and Adult Education after June 30, 1993, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to

receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.

(b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or baccalaureate degree at an eligible public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Department of Technical and Adult Education;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution:

(i) At the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours if such student is a full-time student; or

(ii) At the end of three consecutive quarters or semesters if such student is a part-time student and has maintained part-time student status for three consecutive quarters or semesters; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.

(c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first professional degree at a public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia

Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Department of Technical and Adult Education;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 90 quarter hours or 60 semester hours; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.

(d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a first professional degree at a public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Department of Technical and Adult Education;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 135 quarter hours or 90 semester hours; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.

(e)(1)(A) A full-time student who fails to maintain a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours may attend the next 45 quarter or 30 semester hours without a HOPE scholarship. An otherwise eligible full-time student who regains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the full-time student has attempted 90 or 135 quarter hours or 60 or 90 semester hours may requalify for a HOPE scholarship.

(B) An otherwise eligible part-time student who regains or attains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the part-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attain or requalify for a HOPE scholarship.

(2) In addition to other requirements, and regardless of quarter hours or semester hours of coursework attempted, a student who fails to possess a cumulative grade point average of at least 3.0 at the end of each spring quarter or semester or at the end of three consecutive quarters or semesters for a part-time student pursuant to paragraph (2) of subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such time as the student regains or attains a cumulative grade point average of at least 3.0 at one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30, 60, or 90 semester hour grade point average checkpoints, at which time the student will regain or attain eligibility if other terms and conditions in this Code section are also satisfied.

(f) For students eligible for a HOPE scholarship under this Code section, no minimum number of hours of enrollment is required.

(g)(1) Except as set out in paragraph (2) of this subsection, a student may receive the HOPE scholarship until the first of these events:

(A) The student has earned a baccalaureate degree; or

(B) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours.

(2) A student enrolled in an undergraduate or first professional degree program designed to be more than 190 quarter hours or 127 semester hours in length is eligible to receive the HOPE scholarship for the lesser of:

(A) A total of 225 attempted quarter hours or 150 attempted semester hours; or

(B) The number of hours required for graduation if the student has a cumulative grade point average of at least 3.0 after the term in which the student attempted 190 quarter hours or 127 semester hours.

(h)(1) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall include tuition, approved mandatory fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester, except as otherwise provided for in paragraph (2) of this subsection.

(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13."

SECTION 3.

Said part is further amended by striking Code Section 20-3-519.3, relating to eligibility requirements for a HOPE scholarship at a private postsecondary institution, and inserting in lieu thereof a new Code Section 20-3-519.3 to read as follows:

"20-3-519.3.

(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible private postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission;

(2) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1996 or thereafter and meeting the requirements set out in the applicable paragraph of subsection (b) of Code Section 20-2-157; or

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Georgia Department of Technical and Adult Education after June 30, 1993, provided that such student shall

only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; and

(3) Meet enrollment standards by:

(A) Being admitted, enrolled, and classified as an undergraduate student in a matriculated status; and

(B) Being registered for and attending classes as at least a half-time student for 14 days or more after the last day of the institution's drop and add period.

(b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or baccalaureate degree at an eligible private postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution:

(i) At the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours if such student is a full-time student; or

(ii) At the end of three consecutive quarters or semesters if such student is a half-time student and has maintained part-time student status for three consecutive quarters or semesters; and

- (B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and
- (3) Meet enrollment standards by:
 - (A) Being admitted, enrolled, and classified as an undergraduate student in a matriculated status; and
 - (B) Being registered for and attending classes as at least a half-time student for 14 days or more after the last day of the institution's drop and add period.
- (c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first professional degree at an eligible private postsecondary institution shall:
 - (1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission;
 - (2) Meet achievement standards by meeting the following criteria:
 - (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 90 quarter hours or 60 semester hours; and
 - (B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and
 - (3) Meet enrollment standards by:
 - (A) Being admitted, enrolled, and classified as an undergraduate student in a matriculated status or provided that in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, have been accepted into the first professional degree program of study prior to receiving a baccalaureate degree; and
 - (B) Being registered for and attending classes as at least a half-time student for 14 days or more after the last day of the institution's drop and add period.
- (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or first professional degree at an eligible private postsecondary institution shall:
 - (1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission;
 - (2) Meet achievement standards by meeting the following criteria:

- (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 135 quarter hours or 90 semester hours; and
 - (B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and
- (3) Meet enrollment standards by:
- (A) Being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree; and
 - (B) Being registered for and attending classes as at least a half-time student for 14 days or more after the last day of the institution's drop and add period.
- (e)(1)(A) An otherwise eligible full-time student who fails to maintain a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours may attend the next 45 quarter hours or 30 semester hours without a HOPE scholarship. A full-time student who regains a cumulative grade point average of at least 3.0 at end of the quarter or semester in which the full-time student has attempted 90 quarter hours or 60 semester hours may requalify for a HOPE scholarship. A full-time student who regains a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the full-time student has attempted 135 quarter hours or 90 semester hours may requalify for a HOPE scholarship.
- (B) An otherwise eligible half-time student who regains or attains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the half-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attain or requalify for a HOPE scholarship.
- (2) In addition to other requirements, and regardless of quarter or semester hours of coursework attempted, a student who fails to possess a cumulative grade point average of at least 3.0 at the end of each spring quarter or semester or at the end of three consecutive quarters or semesters for a half-time student pursuant to paragraph (2) of subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such time as the student regains or attains a cumulative grade point average of at least 3.0 at

one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30, 60, or 90 semester hour grade point average checkpoints, at which time the student will regain or attain eligibility if other terms and conditions in this Code section are also satisfied.

(f)(1) Except as set out in paragraph (2) of this subsection, a student may receive a HOPE scholarship until the first of these events:

(A) The student has earned a baccalaureate degree; or

(B) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours.

(2) A student enrolled in an undergraduate or first professional degree program designed to be more than 190 quarter hours or 127 semester hours in length is eligible to receive a HOPE scholarship for the lesser of:

(A) A total of 225 attempted quarter hours or 150 attempted semester hours; or

(B) The number of hours required for graduation if the student has a cumulative grade point average of at least 3.0 after the term in which the student attempted 190 quarter hours or 127 semester hours.

(g)(1) Except as provided for in paragraph (2), subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall be not less than \$3,000.00 for any academic year.

(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall be not less than \$1,500.00 for half-time enrollment and \$3,000.00 for full-time enrollment for any academic year."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.